

**40.05. ACCESSORY DWELLING UNIT**

**40.05.05. Purpose.**

The purpose of an Accessory Dwelling Unit application is to provide a mechanism to allow accessory dwelling units. Accessory dwelling units are normal, incidental and subordinate to a detached dwelling. This Section is carried out by the approval criteria listed herein.

**40.05.10. Applicability.**

An Accessory Dwelling Unit application may be requested for a property with a detached dwelling as the principal use in any zoning district that allows accessory dwelling units.

**40.05.15. Application.**

There is a single Accessory Dwelling Unit application which is subject to the following requirements.

**1. Accessory Dwelling Unit.**

- A. Threshold. An application for Accessory Dwelling Unit shall be required when the following threshold applies:
  - 1. An accessory dwelling unit is proposed to be added to a property.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Accessory Dwelling Unit. The decision making authority is the Director.
- C. Approval Criteria. In order to approve an Accessory Dwelling Unit application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
  - 1. The proposal satisfies the threshold requirements for an Accessory Dwelling Unit application.
  - 2. All City application fees related to the application under consideration by the decision making authority have been submitted.

40.05.15.1.C.

3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
4. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.
5. The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Regulations) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
6. There is only one detached dwelling on the subject site.
7. The proposed accessory dwelling unit is no more than fifty percent (50%) of the gross floor area of the primary detached dwelling or 800 square feet, whichever is less.
8. The proposal is not located over any easement.
9. The exterior finish materials of the proposal is the same as the detached dwelling in terms of type, size, placement, and finish.
10. The roof pitch of the proposal matches the roof pitch of the detached dwelling.
11. The trim of the proposal is the same as the detached dwelling in type, size, location, and finish.
12. The windows of the proposal match those on the detached dwelling in terms of proportion (height to width ratio) and orientation (vertical vs. horizontal).
13. The eaves of the proposal project the same distance as the eaves on the detached dwelling.

40.05.15.1.C.

14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

- D. Submission Requirements. An application for an Accessory Dwelling Unit shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Accessory Dwelling Unit application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of an Accessory Dwelling Unit application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.



